

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BRYAN L. TRAVIS,
Plaintiff,

vs.

PARK CITY POLICE DEPARTMENT, and
PARK CITY MUNICIPAL
CORPORATION,
Defendants.

ORDER

Case No. 2:04-CV-462 TC

This matter is before the court on Plaintiff's motion for partial summary judgment regarding the First Amendment status of Plaintiff's artwork (Dkt # 52). In his motion and supporting memorandum, the Plaintiff writes that he "asks the court to find [his] visual art is entitled to full First Amendment protection." (Dkt # 52 at 7.)

The matter was referred to United States Magistrate Judge Paul M. Warner. On July 25, 2006, Judge Warner issued a Report and Recommendation (R&R) (Dkt # 150) in which he recommended that Plaintiff's motion be denied without prejudice because it seeks an advisory opinion. Plaintiff filed an objection to the R&R.

The court has conducted a de novo review of the issue. Based on the Plaintiff's broadly worded request, and lacking more specific guidance from the Plaintiff, the court finds that Judge Warner's conclusion was correct. Accordingly, Plaintiff's Motion for Partial Summary Judgment Regarding the First Amendment Status of Plaintiff's Artwork (Dkt # 52) is DENIED

WITHOUT PREJUDICE.

DATED this 6th day of October, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge